S.B.Cr.Misc. Bail App. No. 4656/2007
(Sohan Lal & Anr. Vs. State of Rajasthan)

Date of order : 26/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Deepak Menaria for the petitioners.

Mr. V.R.Mehta Public Prosecutor.

Learned counsel for the petitioners does not want to press the bail application filed by petitioner No.1 Sohan Lal. The bail application filed by petitioner No.1 Sohan Lal under Section 439 Cr.P.C. is, therefore, dismissed as not pressed.

Heard learned counsel for the petitioner and the Public Prosecutor for the State on the bail application filed by petitioner No.2 Heera Lal. Perused the order impugned and statement of prosecutrix as also police investigation diary.

It is contended by learned counsel for the petitioner that the allegation of committing rape is against co-accused Sohanlal and so far as the present petitioner No.2 is concerned, the allegation against him is that he took the photographs in the year 2005. After arrest, no such photographs have been recovered from the petitioner.

Learned public prosecutor submits that from the police investigation diary, it appears that no photographs or negatives have been recovered from the present petitioner.

Looking to the facts and circumstances of the case and the fact that the case of the petitioner No.2 is distinguishable from that of co-accused Sohanlal, having considered the oral arguments advanced by

both the parties, I think it just and proper to enlarge the accused petitioner No.2 on bail.

Accordingly, this bail application filed by petitioner No.2 under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner No. 2 Heera Lal S/o Shri Amarchand Bunkar be released on bail in FIR No. 131/07 P.S. Fatehnagar, district Udaipur, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP